

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

WILLIE EASON, Jr.,
Plaintiff,

v.

WARDEN EILEEN KENNDEY, et al.,
Defendants.

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C.A. NO. C-07-104

ORDER DISMISSING CERTAIN CLAIMS AND RETAINING CASE

On April 19, 2007, the United States Magistrate Judge filed her Memorandum and Recommendation. (D.E. 7.) After ample opportunity, neither party filed objections. When no timely objection is filed, the Court need only satisfy itself that there is no “clear error” on the face of the record in order to accept the Magistrate Judge’s recommendation. *See Douglass v. United Servs. Auto. Ass’n*, 79 F.3d 1415, 1420 (5th Cir.1996) (citing FED. R. CIV. P. 72(b) advisory committee’s note (1983)).

Having reviewed the pleadings and motions on file, the Court finds no clear error in the Magistrate Judge’s recommendation. The Court accepts the Magistrate Judge’s recommended decision.

Accordingly, the Court RETAINS plaintiff’s claims against the following defendants in their individual capacities: Warden Eileen Kennedy; Captain Smith; Ann Phipps; Louis Stiek; Kris Willeford; Richard Woodcroft; and David Bartlett. The Court DISMISSES plaintiff’s claims for money damages against defendants in their official capacities. The Court DISMISSES with prejudice plaintiff’s claims against Keith Farrell and Angelina Ward for failure to state legally cognizable claims. *See* 28 U.S.C. §§ 1915(e)(2)(B) and 1915A(b)(1).

Finally, the Court DISMISSES without prejudice plaintiff's claims against Randolph M. Rincon and Hilda G. Silvas.

ORDERED this 24 day of Aug, 2007.


HAYDEN HEAD
CHIEF JUDGE